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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,238	11/04/2003	Kishore Karighattam	H1312	5261
29393 7590 05/28/2009 ESCHWEILER & ASSOCIATES, LLC NATIONAL CITY BANK BUILDING 629 EUCLID AVE., SUITE 1000 CLEVELAND, OH 44114				
EXAMINER				
FORD, GRANT M				
ART UNIT		PAPER NUMBER		
2442				
NOTIFICATION DATE		DELIVERY MODE		
05/28/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing@eschweilerlaw.com

Office Action Summary**Application No.**

10/701,238

Applicant(s)

KARIGHATTAM ET AL.

Examiner

GRANT FORD

Art Unit

2442

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 8-18 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-18 and 23-25 is/are allowed.
- 6) ☒ Claim(s) 1-2, 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/5/2009, with respect to the rejection(s) of claim(s) 1-2 and 8-12 under the prior art of Fox have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ronciak, as outlined below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ronciak (US 2004/0120339).

a. As per claim 1, Ronciak discloses a method for partial coalescing transmit buffers comprising:

obtaining a data packet from host software, wherein the data packet is located in an array of virtual buffers that each map to one or more physical buffers in a system memory (Fig. 4-5, Para. 0026,0030);

analyzing the virtual buffers and the physical buffers associated with the data packet (Para. 0038,0042-0043,0045-0047); and

selectively copying either selected ones of the virtual buffers or selected ones of the physical buffers into a coalesced physical buffer based on the analysis (Fig. 5, Para. 0034-0035,0045-0047).

b. As per claim 2, Ronciak discloses assembling a coalesced array from the coalesced physical buffer and one or more respective non-selected virtual buffers or physical (Fig. 5, Para. 0045-0047).

c. As per claim 8, Ronciak discloses wherein selectively copying selected ones of the one or more virtual or physical buffers comprises iteratively analyzing, in order, each virtual or physical buffer associated with the data packet such that the composite size of the selected ones is less than a predetermined size (Para. 0029-0031,0045-0046).

d. As per claim 9, Ronciak discloses wherein selectively copying selected ones of the one or more virtual or physical buffers comprises performing the following beginning with a first buffer:

obtaining a size for a current or physical buffer (Para. 0030,0039-0041,0045-0046);

computing a composite size as a function of the current virtual or physical buffer size and a composite virtual or physical buffer length (Para. 0039-0041,0045-0046); and

on the composite virtual or physical buffer size being less than a predetermined size, selecting the current or physical buffer and adding the current virtual or physical size to the composite virtual or physical buffer length (Para. 0045-0047).

e. As per claim 10, Ronciak discloses determining a predetermined size according to a desired overall system performance, and using the predetermined size in identifying the selected ones of the virtual or physical buffers (Para. 0010-0011, 0029-0031, 0045-0047).

f. As per claim 11, Ronciak discloses determining a predetermined size according to a desired network throughput, and using the predetermined size in identifying the selected ones of the virtual or physical buffers (Para. 0010-0011, 0029-0031, 0045-0047).

g. As per claim 12, Ronciak discloses determining the predetermined size according to a desired overall system performance, network throughput, and system resource utilization, and using the predetermined size in identifying the selected ones of the virtual or physical buffers (Para. 0010-0011, 0029-0031, 0045-0047).

Allowable Subject Matter

4. Claims 13-18 remain allowed.
5. Claims 23-25 are allowed by virtue of previous dependent claim 22 being rewritten in independent form including all limitations of the base claim and any

intervening claims, as claimed in new claim 25 (with claims 23-24 being dependent upon new claim 25).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT FORD whose telephone number is (571)272-8630. The examiner can normally be reached on 8-5:30 Mon-Thurs alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/
Supervisory Patent Examiner, Art
Unit 2442

/G. F./
Examiner, Art Unit 2442

